THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION No. 10128 of 2006

DATED: 23-05-2006

BETWEEN:

G.A.Subba Rao

.. PETITIONER

AND

The Special Grade Deputy Collector and

Revenue Divisional Officer and another

.. RESPONDENTS

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO.: 10128 of 2006

ORDER:

With the consent of both the parties, the writ petition is taken up for final hearing at the stage of admission.

The petitioner is a fair price shop dealer. A show cause notice dated 02.01.2006 came to be issued to him calling for his explanation as to why cancellation of authorization should not be taken up. The petitioner submitted his explanation on 28.1.2006. The concerned authority proceeded to pass the order impugned in the writ petition without referring to the explanation submitted by the petitioner.

The learned counsel for the petitioner submits that the first respondent proceeded to pass the order impugned in the writ petition without making reference to the explanation submitted by the petitioner.

As can be seen from the copy of the explanation placed on record, the first respondent received the explanation sent by the petitioner on 30.1.2006. The order impugned in the writ petition does not refer to the explanation submitted by the petitioner. It is a clear indication of non-application of mind by the first respondent. In that view of the matter, I deem it appropriate to set aside the order impugned in the writ petition and remand the matter to the Special Deputy Collector and Revenue Divisional Officer, Balanagar Circle-I, to consider the explanation and pass orders afresh, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above observation.

Status quo shall be maintained existing as on this day till orders afresh are passed by the 1st respondent.

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23-05-2006

Note: Issue CC in one week

B/o

kvrm